

FILED
U.S. DISTRICT COURT
ATLANTA, GA.

2008 JUN 30 PM 3:00

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF GEORGIA *R. Aar.*
WAYCROSS DIVISION CLERK SO. DIST. OF GA.

UNITED STATES OF AMERICA)

v.)

ARMAUND J. SIMS)
BRIAN L. RAULS)
URIEL AMAYA, JR.)

) CASE NO.: CR507-021

MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION

Defendant Brian Rauls ("Rauls") filed a Motion to Dismiss Counts of the Indictment, as amended. Rauls contends the Government will proceed as to Counts 1 and 2 against him based solely on the uncorroborated testimony of one of Rauls' co-defendants. Rauls also contends the indictment fails to sufficiently allege that his possession of a firearm helped, furthered, promoted, or advanced any drug trafficking. The Government asserts the indictment is legally sufficient, charges the elements of the offenses as required, and is supported by the grand jury's finding of probable cause to indict.

"The indictment or information must be a plain, concise, and definite written statement of the essential facts constituting the offense[s] charged . . . It need not contain a formal introduction or conclusion." FED. R. CRIM. P. 6(c)(1). A review of the superseding indictment reveals the Government has satisfied this basic showing.

Rauls' contentions do not address the allegations contained in the indictment. Rather, Rauls' allegations speak to the sufficiency of the evidence Rauls asserts the Government will proffer at trial. Rauls' Motion to Dismiss Counts of the Indictment, as amended, should be **DENIED**.

SO REPORTED and RECOMMENDED, this 30th day of June, 2008.



JAMES E. GRAHAM
UNITED STATES MAGISTRATE JUDGE